

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
)	
v.)	
)	1:18CR00271 (LMB)
MOHAMED E. SCROUR,)	
)	Hearing Date: August 10, 2018
Defendant)	
)	

On Appeal from the United States District Court
For the Eastern District of Virginia
Alexandria Division

BRIEF FOR THE UNITED STATES

The United States of America, by and through its undersigned counsel, submits its opposition to the appeal of Defendant, Mohamed Scour.

I. STATEMENT OF FACTS

The United States adopts the facts set forth in the Summary of Proceedings outlined by the Hon. Ivan D. Davis.

II. JURISDICTION AND STANDARD OF REVIEW

Under 18 U.S.C. § 3402, a defendant convicted by a United States Magistrate Judge is entitled to an appeal to a United States District Judge, but the appeal is not a trial de novo. “The scope of the appeal shall be the same as an appeal from a judgment of a district court to a court of appeals.” Fed.R.Crim.P. 58(g)(2)(D). Where the Magistrate Judge’s factual determinations are at issue, the reviewing court must view the evidence in the light most favorable to the government and uphold the findings if they are supported by substantial evidence. United States v. Lofton, 233 F.3d 313, 317 (4th Cir. 2000) (citing United States v. Burgos, 94 F.3d 849, 862-63

(4th Cir. 1996) (en banc)). See also Glasser v. United States, 315 U.S. 60, 80 (1942). The reviewing court is “not entitled to weigh the evidence or to assess the credibility of witnesses, but must assume that the jury resolved all contradictions . . . in favor of the government.” United States v. Studifin, 240 F.3d 415, 424 (4th Cir. 2001) (quoting United States v. Romer, 148 F.3d 359, 364 (4th Cir. 1998)).

III. ARGUMENT

On appeal, the Defendant appears to raise an argument that the evidence was not sufficient to support a finding of guilt. He wrote “I didn’t not [sic] get a fair trial [sic]” on his notice of appeal. Scour’s argument is insufficient to overturn the Magistrate Judge’s factual findings. In the absence of additional information, the Government is left to assume that the defendant wishes to re-litigate his excuses that the speedometer/computer in his vehicle was not functioning, the police were racist, and that he was not speeding. A broken speedometer and his claim that he was not speeding are inherently contradictory. He cannot accurately ascertain his speed if the device used to measure speed is not working, under his testimony. By contrast, the Government’s evidence indicated that the laser speed detection device used on the day in question was operating properly. Officer Wood testified that he employed standard testing procedures at the start and end of his tour of duty that day and that in both instances the machine worked properly. Additionally, the Government introduced the certificate of calibration at trial. Viewing this evidence in the light most favorable to the Government, the Magistrate Judge’s finding that the laser accurately clocked the Defendant’s speed at 54 m.p.h. in a 35 m.p.h. zone is clearly supported by substantial evidence.

IV. CONCLUSION

For the foregoing reasons, the judgment of conviction should be affirmed.

Respectfully submitted,

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Date: July 23, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was delivered by first class United States mail on this 23th day of July 2018 to the address of record for the appellant, Mohamed Scour, listed below, and another copy will be hand delivered on the morning of the hearing.

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